

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, *et al.*,
Plaintiffs,

vs.

KWAME RAOUL, *et al.*,
Defendants.

Case No. 3:23-cv-209-SPM
** designated Lead Case

DANE HARREL, *et al.*,
Plaintiffs,

vs.

Case No. 3:23-cv-141-SPM

KWAME RAOUL, *et al.*,
Defendants.

JEREMY W. LANGLEY, *et al.*,
Plaintiffs,

vs.

Case No. 3:23-cv-192-SPM

BRENDAN KELLY, *et al.*,
Defendants.

FEDERAL FIREARMS LICENSEES
OF ILLINOIS, *et al.*,
Plaintiffs,

vs.

Case No. 3:23-cv-215-SPM

JAY ROBERT “J.B.” PRITZKER, *et al.*,
Defendants.

**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF
SECOND AMENDMENT LAW CENTER**

The Second Amendment Law Center respectfully requests leave to file the attached amicus brief in these consolidated cases.

The Second Amendment Law Center is a 501(c)(3) nonprofit corporation headquartered in Henderson, Nevada. The Center promotes and defends the individual right to keep and bear arms. The Center also educates the public about the social utility of private firearm ownership and publishes accurate and truthful historical, criminological, and technical information about firearms.

Leave to file is requested principally because on March 9, 2023, Everytown for Gun Safety by motion requested leave to file an amicus brief (Doc. No. 46), and that motion was granted on March 14, 2023 (Doc. 47).

The Everytown brief presents a novel argument: that for purposes of determining the meaning of the Second Amendment, the time of ratification of Fourteenth Amendment (1868), which has been the vehicle for incorporating most provisions of the Bill of Rights, including the Second Amendment, should be the central focus. This is opposed to Supreme Court precedent, which has in numerous cases focused on 1791, the time that the Bill of Rights was ratified, to determine such meaning. It also contravenes other settled principles of the Supreme Court's incorporation jurisprudence. Although this argument was touched on in Defendants'

Opposition, the Everytown brief makes a much more extended argument. The issue is very important if this court decides to look at “historical analogues” under *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

Amicus agrees that the controlling authority in this case is furnished by the “common use” test in *Heller*. But if for any reason the court believes it should examine historical analogues, amicus would like to help ensure that the court is fully informed on the proper timing for such analogues, rather than just being presented with one side of the argument.

Accordingly, leave is requested to file the amicus brief submitted with this motion.

Respectfully submitted,

/s/ Dan M. Peterson
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Dated: March 17, 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2023, an electronic PDF of the foregoing Motion for Leave to File Amicus Brief of the Second Amendment Law Center was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s/ Dan M. Peterson
Dan M. Peterson